

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:)	PROMESA
THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO,)	Title III
as representative of)	
THE COMMONWEALTH OF PUERTO RICO, <i>et al.</i> ,)	No. 17 BK 3283-LTS (Jointly Administered)
Debtors. ¹)	
In re:)	PROMESA
THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO,)	Title III
as representative of)	
THE COMMONWEALTH OF PUERTO RICO,)	No. 17 BK 3283-LTS
PUERTO RICO HIGHWAYS & TRANSPORTATION AUTHORITY,)	No. 17 BK 3567-LTS (This Filing Relates to These Debtors)
Debtor.)	
PEAJE INVESTMENTS LLC,)	Adv. Proc. No. 17-151-LTS in 17 BK 3567-LTS
Plaintiff,)	
v.)	Adv. Proc. No. 17-152-LTS in 17 BK 3283-LTS
PUERTO RICO HIGHWAYS &)	

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17- BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

TRANSPORTATION AUTHORITY, *et al.*,)
)
Defendants.²)

JOINT STATUS REPORT

Plaintiff Peaje Investments LLC (“Plaintiff”), together with Defendants the Financial Oversight and Management Board for Puerto Rico (the “FOMB”), as representative of defendants the Commonwealth of Puerto Rico (“Commonwealth”) and Puerto Rico Highways and Transportation Authority (“HTA”), Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”), Hon. Pedro Pierluisi, Hon. Francisco Parés, Juan C. Blanco Urrutia, Omar J. Marrero, and Dr. Edwin E. Gonzalez Montalvo, P.E. (collectively, the “Parties”), respectfully submit this Joint Status Report in response to the Court’s November 20, 2020 Order (*available at:* Adv. Proc. No. 17-151-LTS, [Dkt. No. 308]) directing the Parties to “submit a brief joint status report further updating the Court on or before **February 19, 2021.**”

To avoid unnecessarily burdening the Court by repeating information contained in the previous joint status report filed with the Court on November 20, 2020, the Parties refer to their November 20, 2020 Joint Status Report (*available at:* Adv. Proc. No. 17-151-LTS, [Dkt. No. 307]), and by this reference, incorporate the same herein as though fully set forth.³ This Joint

² Pursuant to F. R. Bankr. P. 7025 and F. R. Civ. P. 25(d), the following automatic substitutions are made for defendants who were sued in their former official capacities: (i) the Hon. Pedro Pierluisi, in his official capacity as Governor of Puerto Rico, is automatically substituted for Ricardo Antonio Rosselló Nevares; (ii) the Hon. Francisco Parés, in his official capacity as Secretary of Treasury of Puerto Rico, is automatically substituted for the Hon. Raúl Maldonado Gautier; (iii) Juan C. Blanco Urrutia, in his official capacity as Director of Office of Management and Budget, is automatically substituted for José Iván Marrero Rosado; (iv) Omar J. Marrero, in his official capacity as executive director of AAFAF, is automatically substituted for Christian Sobrino Vega; and (v) Dr. Edwin E. Gonzalez Montalvo, P.E., in his official capacity, is automatically substituted for Carlos Contreras Aponte as Executive Director of HTA.

³ Capitalized terms not expressly defined herein have the same meaning as in the November 20, 2020 Joint Status Report.

Status Report addresses subsequent relevant events in two matters described in the November 20, 2020 Joint Status Report: (i) the motion for partial summary judgment filed by the Commonwealth in the Commonwealth Revenue Bond Adversary Proceeding (Adv. Proc. No. 20-00005-LTS); and (ii) the appeal to the First Circuit Court of Appeals of the order denying the HTA Lift Stay Motion (*available at:* Case No. 17-03567-LTS, [Dkt. No. 921]) by Assured Guaranty Corp., Assured Guaranty Municipal Corp., Ambac Assurance Corporation, National Public Finance Guarantee Corporation, Financial Guaranty Insurance Company, and The Bank Of New York Mellon, as fiscal agent.

First, in connection with the Commonwealth Revenue Bond Adversary Proceeding, on January 20, 2021, the Court issued its *Order Regarding Discovery in Connection with Motions of the Commonwealth of Puerto Rico, by and Through the Financial Oversight and Management Board, Pursuant to Bankruptcy Rule 7056 for Partial Summary Judgment Disallowing Claims*, [Dkt. No. 129 in Adv. Proc. No. 20-00005-LTS] (the “Discovery Order”). The Discovery Order authorized certain discovery regarding the pending partial summary judgment motions by the Commonwealth in the Commonwealth Revenue Bond Adversary Proceeding and two other adversary proceedings objecting to proofs of claim filed against the Commonwealth: the PRIFA Revenue Bond Adversary Proceeding (Adv. Proc. No. 20-00003-LTS) and the CCDA Revenue Bond Adversary Proceeding (Adv. Proc. No. 20-00004-LTS). The Discovery Order directed the parties to meet and confer regarding a proposed discovery schedule and file a joint status report by no later than February 3, 2021. After the completion of the discovery permitted by the Discovery Order, the parties are further directed to meet and confer regarding any supplemental briefing regarding the pending partial summary judgment motions.

After meeting and conferring pursuant to the Discovery Order, on February 3, 2021, the parties filed their *Joint Status Report of Ambac Assurance Corporation, Financial Guaranty Insurance Company, Assured Guaranty Corp., Assured Guaranty Municipal Corp., National Public Finance Guarantee Corporation, The Bank of New York Mellon, U.S. Bank Trust National Association, and The Financial Oversight and Management Board For Puerto Rico, as Representative of The Commonwealth of Puerto Rico, Pursuant to the Court's January 20, 2021 Order* [Dkt. No. 132 in Adv. Proc. No. 20-00005-LTS].

On February 5, 2021, the Court issued its *Order Setting Discovery Schedule* [Dkt. No. 133 in Adv. Proc. No. 20-00005-LTS] scheduling discovery to be completed by no later than May 7, 2021. As noted above, after completing any further discovery permitted by the Discovery Order, the parties will thereafter meet and confer regarding a proposed schedule for submitting supplemental briefs and page limitations concerning the partial summary judgment motions.

Second, the expedited appeal from the September 9, 2020 *Memorandum Opinion and Order Denying HTA and PRIFA Revenue Bond Stay Relief Motions* (available at: Case No. 17-03567-LTS, [Dkt. No. 921]) denying the *Motion of Assured Guaranty Corp., Assured Guaranty Municipal Corp., Ambac Assurance Corporation, National Public Finance Guarantee Corporation, and Financial Guaranty Insurance Company for Relief from Automatic Stay, or, in the Alternative, Adequate Protection* relating to the Commonwealth and HTA Lift Stay Motion (available at: Case No. 17-03567-LTS, [Dkt. No. 673]) was fully briefed in *Assured Guaranty Corp., et al. v. Commonwealth of Puerto Rico, et al.*, First Circuit Case No. 20-1930. The First Circuit heard oral argument on February 4, 2021, and the matter was taken under submission.

The Parties believe the adversary proceedings that are the subject of this status report involve similar or overlapping issues with the Commonwealth Revenue Bond Adversary Proceeding and the HTA Revenue Bond Adversary Proceeding (Adv. Proc. No. 20-00007-LTS). For the sake of efficiency and judicial economy, the Parties have agreed to continue to refrain from litigating these adversary proceedings at this time. The Parties respectfully request the entry of an order directing them to report to the Court on or before June 18, 2021 to inform the Court of the status of these matters and their respective positions in light of the foregoing. The Parties have agreed that, in the interim, they will not be foreclosed from taking appropriate legal action in or outside the above-captioned adversary proceedings.

Respectfully submitted this 19th day of February 2021.

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CERTIFICATE OF SERVICE

I hereby certify that, on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notifications of such filing to all CM/ECF participants in this case.

/s/ Hermann D. Bauer

Hermann D. Bauer